EXHIBIT D

12-12020-mg Doc 9713-5 Filed 03/03/16 Entered 03/03/16 16:12:43 Exhibit D Pg 2 of 32

STATE OF NEW YORK COUNTY COURT: COUNTY OF ERIE

WELLS FARGO BANK, N.A. SUCCESSOR BY
MERGER TO WELLS FARGO HOME MORTGAGE,
INC.
3476 Stateview Boulevard
Ft. Mill, SC 29715

Plaintiff,

VS.

JOHN H. WISHMAN, JR., MARY FRANCES WISHMAN, FIRST NIAGARA BANK NA, GMAC MORTGAGE CORPORATION DBA DITECH.COM, LYON FINANCIAL SERVICES, INC. D/B/A US BANCORP MANIFEST FUNDING SERVICES,

JOHN DOE (Said name being fictitious, it being the intention of Plaintiff to designate any and all occupants of premises being foreclosed herein, and any parties, corporations or entities, if any, having or claiming an interest or lien upon the mortgaged premises.)

Defendant(s).

NOTICE OF PENDENCY OF ACTION

ORIGINAL FILED WITH THE CLERK ON 7/18/201/

INDEX NO.: I 2011603629

MORTGAGED PREMISES: 6425 ENGEL DRIVE HAMBURG, NY 14075

SBL #: 195.03-2-5

NOTICE IS HEREBY GIVEN, that an action has been commenced and is now pending in the County Court of Eric County upon the Complaint of the above named Plaintiff against the above named Defendant(s) for the foreclosure of a mortgage bearing date the 25th day of June, 2003 executed by JOHN H. WISHMAN, JR. and MARY FRANCES WISHMAN to secure the sum of \$222,400.00, and recorded at Liber 13085 of Mortgages at Page 3219 in the Office of the Clerk of the County of Eric, on the 1st day of July, 2003;

AND, NOTICE IS FURTHER GIVEN, that the mortgaged premises described in such mortgage(s) affected by the said foreclosure action, were, at the time of the commencement of this action, and at the time of the filing of this Notice, situated in the County of Erie and State of New York, and are described in "Schedule A - Legal Description" attached hereto and made a part hereof.

12-12020-mg Doc 9713-5 Filed 03/03/16 Entered 03/03/16 16:12:43 Exhibit D Pg 3 of 32

The Clerk of the County of Erie, is directed to index this Notice against the names of all the Defendant(s).

DATED:

_{July} 15 ,₂₀₁₁

SBL No.:

195.03-2-5

James T. Farrell, Esq.

Steven J. Baum, P.C. Attorneys for Plaintiff

220 Northpointe Parkway Suite G

Amherst, NY 14228 Tel.: 716-204-2400

The law firm of Steven J. Baum, P.C. and the attorneys whom it employs are debt collectors who are attempting to collect a debt. Any information obtained by them will be used for that purpose.

Title No.: 905-E-213137

SCHEDULE A

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot No. 18, Township 9, Range 8 of the Holland Land Company's Survey and further distinguished as Subdivision Lot No. 3 as shown on a map filed in the Erie County Clerk's Office under Cover No. 1761.

12-12020-mg Doc 9713-5 Filed 03/03/16 Entered 03/03/16 16:12:43 Exhibit D Pg 5 of 32

STATE OF NEW YORK

COUNTY COURT: COUNTY OF ERIE

WELLS FARGO BANK, N.A. SUCCESSOR BY MERGER TO WELLS FARGO HOME MORTGAGE, INC. 3476 Stateview Boulevard Ft. Mill, SC 29715

Plaintiff,

VS.

JOHN H. WISHMAN, JR., MARY FRANCES WISHMAN, FIRST NIAGARA BANK NA, GMAC MORTGAGE CORPORATION DBA DITECH.COM, LYON FINANCIAL SERVICES, INC. D/B/A US BANCORP MANIFEST FUNDING SERVICES.

JOHN DOE (Said name being fictitious, it being the intention of Plaintiff to designate any and all occupants of premises being foreclosed herein, and any parties, corporations or entities, if any, having or claiming an interest or lien upon the mortgaged premises.)

Defendant(s).

TO THE ABOVE NAMED DEFENDANTS:

SUMMONS

ORIGINAL FILED WITH THE CLERK ON 7/18/20/1

INDEX NO.: 72011603629

MORTGAGED PREMISES: 6425 ENGEL DRIVE HAMBURG, NY 14075

SBL #: 195.03-2-5

YOU ARE HEREBY SUMMONED to answer the Complaint in the above captioned action and to serve a copy of your Answer on the Plaintiff's attorney within twenty (20) days after the service of this Summons, exclusive of the day of service, or within thirty (30) days after completion of service where service is made in any other manner than by personal delivery within the State. The United States of America, if designated as a Defendant in this action, may answer or appear within sixty (60) days of service hereof. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

NOTICE YOU ARE IN DANGER OF LOSING YOUR HOME

If you do not respond to this summons and complaint by serving a copy of the answer on the attorney for the mortgage company who filed this foreclosure proceeding against you and filing the answer with the court, a default judgment may be entered and you can lose your home.

Speak to an attorney or go to the court where your case is pending for further information on how to answer the summons and protect your property.

Sending a payment to your mortgage company will not stop this foreclosure action.

YOU MUST RESPOND BY SERVING A COPY OF THE ANSWER ON THE ATTORNEY FOR THE PLAINTIFF (MORTGAGE COMPANY) AND FILING THE ANSWER WITH THE COURT.

Erie County is designated as the place of trial. The basis of venue is the location of the mortgaged premises foreclosed herein.

DATED:

July \ \(\frac{5}{2011}

James T. Farrell, Esq. Steven J. Baum, P.C.

Attorneys for Plaintiff

220 Northpointe Parkway Suite G

Amherst, NY 14228 Tel.: 716-204-2400

The law firm of Steven J. Baum, P.C. and the attorneys whom it employs are debt collectors who are attempting to collect a debt. Any information obtained by them will be used for that purpose.

12-12020-mg Doc 9713-5 Filed 03/03/16 Entered 03/03/16 16:12:43 Exhibit D Pg 7 of 32

STATE OF NEW YORK

COUNTY COURT: COUNTY OF ERIE

WELLS FARGO BANK, N.A. SUCCESSOR BY MERGER TO WELLS FARGO HOME MORTGAGE, INC. 3476 Stateview Boulevard Ft. Mill, SC 29715

Plaintiff,

vs.

JOHN H. WISHMAN, JR., MARY FRANCES WISHMAN, FIRST NIAGARA BANK NA, GMAC MORTGAGE CORPORATION DBA DITECH.COM, LYON FINANCIAL SERVICES, INC. D/B/A US BANCORP MANIFEST FUNDING SERVICES,

JOHN DOE (Said name being fictitious, it being the intention of Plaintiff to designate any and all occupants of premises being foreclosed herein, and any parties, corporations or entities, if any, having or claiming an interest or lien upon the mortgaged premises.)

Defendant(s).

COMPLAINT

INDEX NO.: 720/1603629

MORTGAGED PREMISES: 6425 ENGEL DRIVE HAMBURG, NY 14075

SBL #: 195.03-2-5

The Plaintiff by its attorneys, Steven J. Baum, P.C., for its complaint against the Defendant(s) alleges upon information and belief as follows:

FIRST: Plaintiff is a national banking association duly organized and existing under and by virtue of the laws of the United States of America, and having its principal place of business in Sioux Falls, South Dakota, the holder of the note and mortgage being foreclosed herein.

SECOND: On or about the 25th day of June, 2003, JOHN H. WISHMAN, JR. and MARY FRANCES WISHMAN duly executed and delivered a note whereby JOHN H. WISHMAN, JR. and MARY FRANCES WISHMAN promised to pay the sum of \$222,400.00 with interest on the unpaid balance of the debt.

THIRD: That as security for the payment of said note JOHN H. WISHMAN, JR. and MARY FRANCES WISHMAN duly executed and delivered a mortgage in the amount of \$222,400.00 which mortgage was recorded as follows and mortgage tax paid thereon:

Recording Date: July 1, 2003 Book/Page: 13085/3219

County (or City Register of): Erie

WELLS FARGO BANK, N.A. is successor by merger to WELLS FARGO HOME MORTGAGE, INC.

FOURTH: The mortgaged premises are commonly known as 6425 ENGEL DRIVE, HAMBURG, NY 14075 and more fully described in "Schedule A" attached to this complaint. The tax map designation is known as all or part of SBL: 195.03-2-5.

FIFTH: That the Defendant(s) JOHN H. WISHMAN, JR. and MARY FRANCES WISHMAN so named, has/have failed to comply with the conditions of the mortgage and note by failing to pay principal and interest and/or taxes, assessments, water rates, insurance premiums, escrow and/or other charges that came due and payable on the 1st day of January, 2011 as more fully set forth below. Accordingly, Plaintiff elects to call due the entire amount secured by the mortgage.

SIXTH: There is now due and owing on said mortgage the following amounts:

Principal balance: \$182,692.48

Interest Rate: 5.375%

Date interest accrues from: December 1, 2010

Together with late charges, monies advanced for taxes, insurance, maintenance of premises and the costs, allowances and reasonable attorney's fees if permitted by the mortgage.

SEVENTH: In order to protect its security interest the Plaintiff or its agent has paid or may be compelled to pay during the pendency of this action, taxes, assessments, water rates, insurance premiums and other charges affecting the mortgaged premises. Plaintiff requests that any sums it or its agent has paid, together with interest, be included in the sum otherwise due as provided for and secured by the mortgage.

EIGHTH: Upon information and belief all the defendants herein have or claim to have some interest in or lien upon said mortgaged premises or some part thereof which interest or lien, if any, has accrued subsequent to the lien of Plaintiff's mortgage, or has been paid or equitably subordinated to Plaintiff's mortgage, or has been duly subordinated thereto, or is adverse to that of Plaintiff. The reason for naming said defendants is set forth in "Schedule B" that is attached to this complaint.

NINTH: The reason for naming any governmental agency or instrumentalities of the Federal, State or local government (however designated), is set forth in "Schedule C" that is attached to this complaint.

TENTH: Upon information and belief the defendant(s) "John Doe" are occupants of the premises being foreclosed, or may be any persons, corporations or entities who claim, or may claim, a lien or other interest against the premises.

ELEVENTH: If applicable, the mortgage originated in compliance with Banking Law Sections 595-a and 6-l or 6-m and at the time of commencement of this action, the Plaintiff has complied with all of the provisions of Section 595-a of the Banking law and any rules and regulations promulgated thereunder, Section 6-l and 6-m of the Banking Law, and Sections 1304 and 1306 of the Real Property Actions and Proceedings Law.

TWELFTH: Plaintiff requests that in the event this action proceeds to judgment of foreclosure and sale, said premises be sold subject to: any state of facts an inspection of the premises would disclose or an accurate survey of the premises would show; covenants, restrictions, easements and public utility agreements of record, if any; building and zoning ordinances and possible violations of the same; any rights of tenants or persons in possession of the premises; any equity of redemption of the United States of America to redeem the premises within 120 days; prior mortgages and liens, if any. If the mortgage secures more than one parcel, Plaintiff requests the judgment of foreclosure provide for the sale of the parcels in a particular order to the extent necessary to satisfy the indebtedness.

THIRTEENTH: There are no other actions or pending proceedings at law to collect or enforce the note and mortgage.

WHEREFORE, PLAINTIFF DEMANDS JUDGMENT:

- Adjudging and decreeing the amounts due the Plaintiff for principal, interest, costs, late charges, expenses of sale, allowances and disbursements, reasonable attorney's fees if provided for in the mortgage and any monies advanced and paid which are secured by the mortgage.
- 2. That the defendants and all persons claiming by, through or under them and every other person or entity whose right, title, conveyance or encumbrance is subsequent to or subsequently recorded, or whose lien is being challenged by being a defendant in this action, be barred and foreclosed of and from all right, claim, lien, interest or equity of redemption in and to said mortgaged premises.
- 3. That the said mortgaged premises, or such part thereof as may be necessary to raise the amounts due as aforesaid, be decreed to be sold according to law subject to the provisions of paragraph "TWELFTH" of this complaint.
- 4. That out of the monies arising from the sale thereof, the Plaintiff may be paid the amounts due on said note and mortgage, plus those items referenced in paragraph 1, above, together with any sums expended as aforesaid, with interest as allowed by law upon any advances from the dates of the respective payments, so far as the amount of such money properly applicable thereto will pay the same.
- 5. That either or any of the parties to this action may become a purchaser upon such sale.
- 6. That this court, if requested, forthwith appoint a receiver of the rents and profits of said premises with the usual powers and duties.
- 7. That the defendants referred to in paragraph "FIFTH" of this complaint and any original or subsequent obligors so named in this action, may be adjudged to pay any deficiency that may remain after applying all of said monies so applicable thereto, unless the debt has been listed and discharged in a bankruptcy petition, or unless the Plaintiff is unable to produce a copy of the note, in which case no deficiency judgment will be sought.
- 8. In the event Plaintiff possesses any other liens against the premises, they shall not be merged with the same. Plaintiff specifically reserves its right to share in any surplus monies arising from the sale of the subject premises by virtue of its position as a judgment or other lien creditor, excluding the mortgage being foreclosed herein.
- 9. That the Plaintiff may have such other and further relief as may be just, equitable and proper.

James T/Farrell, Esq. Steven J. Baum, P.C.

Attorneys for Plaintiff

220 Northpointe Parkway Suite G

Amherst, NY 14228 Tel.: 716-204-2400

The law firm of Steven J. Baum, P.C. and the attorneys whom it employs are debt collectors who are attempting to collect a debt. Any information obtained by them will be used for that purpose.

Title No.: 905-E-213137

SCHEDULE A

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot No. 18, Township 9, Range 8 of the Holland Land Company's Survey and further distinguished as Subdivision Lot No. 3 as shown on a map filed in the Erie County Clerk's Office under Cover No. 1761.

Schedule B - Defendants

JOHN H. WISHMAN, JR.

Record owner and original mortgagor.

MARY FRANCES WISHMAN

Record owner and original mortgagor.

GMAC MORTGAGE CORPORATION DBA Holder of a mortgage.

DITECH.COM

LYON FINANCIAL SERVICES, INC. D/B/A US BANCORP MANIFEST

FUNDING SERVICES

Holder of judgment(s).

FIRST NIAGARA BANK NA

Holder of judgment(s).

JOHN DOE

Said name being fictitious, it being the intention of Plaintiff to designate any and all occupants of premises being foreclosed herein, and any parties, corporations or entities, if any, having or claiming an interest or lien upon

the mortgaged premises.

12-12020-mg Doc 9713-5 Filed 03/03/16 Entered 03/03/16 16:12:43 Exhibit D Pg 12 of 32

Schedule C - Defendants

NONE

STATE OF NEW YORK COUNTY COURT: COUNTY OF ERIE
WELLS FARGO BANK, N.A. SUCCESSOR BY MERGER TO WELLS FARGO HOME MORTGAGE, INC. 3476 Stateview Boulevard
Ft. Mill, SC 29715
Plaintiff,
vs.
JOHN H. WISHMAN, JR. and MARY FRANCES WISHMAN, et al.
Defendants.
SUMMONS AND COMPLAINT
STEVEN J. BAUM, P.C. Attorneys for Plaintiff 220 Northpointe Parkway Suite G Amherst, NY 14228 Tel.: 716-204-2400

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF ERIE

Re-Filed:

WELLS FARGO BANK, N.A. SUCCESSOR BY MERGER TO WELLS FARGO HOME MORTGAGE, INC.

3476 Stateview Boulevard Ft. Mill, SC 29715

Plaintiff,

against-

Filed: 07/18/2011

Index No.: 603629/2011 NOTICE OF PENDENCY

JOHN H. WISHMAN, JR., MARY FRANCES WISHMAN, FIRST NIAGARA BANK NA, GMAC MORTGAGE CORPORATION DBA DITECH.COM, LYON FINANCIAL SERVICES, INC. D/B/A US BANCORP MANIFEST FUNDING SERVICES,

JOHN DOE(Said name being fictitious, it being the intention of Plaintiff to designate any and all occupants of premises being foreclosed herein, and any parties, corporations or entities, if any, having or claiming an interest or lien upon the mortgaged premises.)

.....x

FILED ACTIONS SECONDER

NOV 13 2015

CLL MODERNE

Defendants.

NOTICE IS HEREBY GIVEN, that an action has been commenced and is pending in this Court upon a complaint of the above named Plaintiff against the above named Defendants for the foreclosure of a mortgage bearing date June 25, 2003 given by John H. Wishman Jr. and Mary Frances Wishman to Wells Fargo Home Mortgage, Inc. to secure the sum of \$222,400.00 and recorded in Book 13085 at Page 3219 in the office of the County Clerk/City Register of Erie County on July 1, 2003.

AND NOTICE IS FURTHER GIVEN, that the mortgaged premises affected by the said foreclosure action was, at the time of the commencement of said action, and at the time of the filing of this Notice, situated in the Town of Hamburg, County of Erie and State of New York, and being known as and by the street address of 6425 Engel Dr. Hamburg, New York 14075 and more particularly described on the tax map of the Town of Hamburg as Section 195.03 Block 2 Lot 5 and more particularly described in the said mortgage, to wit, see Schedule "A" annexed.

```
CHRISTOPHER L. JACOBS, ERIE COUNTY CLERK
REF:
```

DATE: 11/13/2015 TIME:11:59:12 AM RECEIPT: 15185381

KNUCKLES ACCOUNT #: 0

ITEM - 01 351
RECD: 11/13/2015 12:02:34 PM
FILE: 2015233736 BK/PG L 420/2763
WISHMAN JOHN H JR
WELLS FARGO BANK NA

60.00

Recording Fees Subtotal

60.00

ITEM - 02 SERVICE CLERK FEE-AUTO OVER

Subtotal 1.00 1.00

TOTAL DUE PAID TOTAL PAID CHECK \$61.00 \$61.00 \$61.00 Check #9831: 61.00

REC BY: lichten! COUNTY RECORDER

12-12020-mg Doc 9713-5 Filed 03/03/16 Entered 03/03/16 16:12:43 Exhibit D Pg 16 of 32

STATE OF NEW YORK COUNTY COURT: COUNTY OF ERIE

WELLS FARGO BANK, N.A. SUCCESSOR BY MERGER TO WELLS FARGO HOME MORTGAGE, INC. 3476 Stateview Boulevard Ft. Mill, SC 29715

Plaintiff,

VS.

JOHN H. WISHMAN, JR., MARY FRANCES WISHMAN, FIRST NIAGARA BANK NA, GMAC MORTGAGE CORPORATION DBA DITECH.COM, LYON FINANCIAL SERVICES, INC. D/B/A US BANCORP MANIFEST FUNDING SERVICES,

JOHN DOE (Said name being fictitious, it being the intention of Plaintiff to designate any and all occupants of premises being foreclosed herein, and any parties, corporations or entities, if any, having or claiming an interest or lien upon the mortgaged premises.)

Defendant(s).

ACTIONS CONCERNANCE
OCT 18 2011
STEELS CONCERNANCE

AFFIRMATION

INDEX NO.: I2011603629

MORTGAGED PREMISES: 6425 ENGEL DRIVE HAMBURG, NY 14075

N.B.: During and after August 2010, numerous and widespread insufficiencies in foreclosure filings in various courts around the nation were reported by major mortgage lenders and other authorities, including failure to review documents and files to establish standing and other foreclosure requisites; filing of notarized affidavits which falsely attest to such review and to other critical facts in the foreclosure process; and "robosignature" of documents.

Melissa M. Bundt, Esq., pursuant to CPLR 2106, and under the penalties of perjury, affirms as follows:

- I am an attorney at law duly licensed to practice in the state of New York and am affiliated with the Law Firm of Steven J. Baum, P.C., the attorneys of record for Plaintiff in the above-captioned mortgage foreclosure action. As such, I am fully aware of the underlying action, as well as the proceedings had herein.
- 2. On September 4, 2011, I communicated with the following representative of the Plaintiff, who informed me that he has (a) personally reviewed Plaintiff's documents and records relating to this case for factual accuracy; and (b) confirmed the factual accuracy of the allegations set forth in the Complaint and any supporting affidavits or affirmations filed with the Court, as well as the accuracy of the notarizations contained in the supporting documents filed therewith.

Name

Title

Ronald Williams

Legal Process Specialist

- 3. Based upon my communication with person specified in paragraph 2, and subsequent communications thereafter, as well as upon my own inspection and other reasonable inquiry under the circumstances, I affirm that, to the best of my knowledge, information, and belief, the Summons, Complaint, and other papers filed or submitted to the Court in this matter contain no false statements of fact or law.
- 4. I understand my continuing obligation to amend this Affirmation in light of newly discovered material facts following its filing.
- 5. I am aware of my obligations under New York Rules of Professional Conduct (22 NYCRR Part 1200) and 22 NYCRR Part 130.

Muliosa M. Gund Melissa M. Bundt, Esq.

DATED: 10 5 11

N.B.: Counsel may augment this affirmation to provide explanatory details, and may file supplemental affirmations or affidavits for the same purpose.

[Revised 11/18/10]

12-12020-mg Doc 9713-5 Filed 03/03/16 Entered 03/03/16 16:12:43 Exhibit D Pg 18 of 32

REQUEST FOI	R JUDICIAL INTERV	ENTION [For Court Clerk	
COLUNTY	UCS-840 (3/2011)		IAS Entry I	<u>Jate</u>
COUNTY . C	OURT, COUNTY OF ERIE		Judge Assi	aned.
Index No: <u>I2011603629</u>	Date Index Issued: July	18, 2011	740g0 / COI	groot
	case caption. Do not use et al or et ano.		RJI Dati	e
	aption rider sheet: IGER TO WELLS FARGO HOME MORTGAGE, INC.			
	409	UHS & PROCEEDINGS		
		Plaintiff(s)/Petitioner(s)		
-against-		્રિક કેલ્લા		
			Defen	ndant(s)/Respondent(s)
NATURE OF ACTION OR PR	OCEEDING: Check ONE box	only and specify where inc	TO SAIST OF A CITY	
MATRIMONIAL	A STATE OF THE STA	COMMERCIAL		
O Contested		1 =	ding corporations, partnership	os, LLCs, etc.)
O Uncontested		O Contract		
ſ	ns where the parties have children under children u	1 4	rrer is a party, except arbitrati	on)
TORTS	in the MATRIMONIAL RJI Addendum.	⊣ <u>**</u> ` `	, negotiable instruments)	
() Asbestos		Olher Commercial:	(specify)	
O Breast Implant	•	NOTE: For Commo	cial Division assignment requ	a DDOVIA (CC) aloos
O Environmental:			and attach the COMMERCIA	
_	(specify)	REAL PROPERTY:	low many properties does the appl	lication include? 1
Medical, Dental, or Podiatric Malp	ractice	O Condemnation		
Molor Vehicle		Foreclosure		
Products Liability:		Property Address: 6425 EN		New York 14075
Other Negligence:	(specify)	1	lddress City ure actions involving a one- to	State Zip
Other regulgence.	(specify)		property, or an owner-occupie	
Other Professional Malpractice:	•	1	the FORECLOSURE RJI Add	
	(specify)	-1 '	on: Block:	
Other Torl:		Other Real Property:		
	(specify)		(specify)	
OTHER MATTERS		SPECIAL PROCEEDI		
	ution [see NOTE under Commercial]	1 -	tration) [see NOTE under C	ommercial]
© Emergency Medical Treatment		CPLR Article 78 (Bod	y or Officer)	
O Habeas Corpus		O Election Law		
C Local Court Appeal Mechanic's Lien		MHL Article 9.60 (Kei		
Name Change		MHL Article 10 (Sex C	,	
Pistol Permit Revocation Hearing		MHL Article 81 (Guar	ffender Confinement-Review)	
Sale or Finance of Religious/Not-fi	or-Profit Property	Other Mental Hygiene	• •	
O Other:		S care month rygiest	(specify)	
	(specify)	Other Special Procee		
			(specify)	
STATUS OF ACTION OR PRO	OCEEDING: Answer YES or YES	NO for EVERY question Af	ID enter additional information	1 where indicated.
Has a summons and complaint or sun		O If yes, date filed:	July 18, 2011	
Is this action/proceeding being filed po	•	If yes, judament decorated and the second and		

12-12020-mg Doc 9713-5 Filed 03/03/16 - Entered 03/03/16 16:12:43 Exhibit D Pg 19 of 32

NATI	JRE OF JUDICIAL INT	ERVENT	ION:	Check ONE box	only AN	D enter additio	nal informati	on where i	ndicated.	
0	Infant's Compromise			A 1111 - 1111 - 1111 - 1111 - 1111 - 1111 - 1111 - 1111 - 1111 - 1111 - 1111 - 1111 - 1111 - 1111 - 1111 - 111		·····	4			
0	Note of Issue and/or Certific	ate of Read	liness							
	Notice of Medical, Dental, or			Date Issue Joine	ed:					
Ŏ	Notice of Motion			·····			Return Da	te:		
ŏ	Notice of Petition		Relief Sought:				Return Da	te:		
ŏ	Order to Show Cause		Relief Sought:			··				
ര്	Other Ex Parte Application						i somii od	.~.		
	Poor Person Application		resion bought.							
_	Request for Preliminary Con	viorongo								
	•		om not Conforce							
	Residential Mortgage Forecl	iusure aemi	sment cometen	Je						
=	Writ of Habeas Corpus									
l U	Other (specify):	32.494-61.44.45.10	owatkana unius ani	Acceptable of the Communication of the Communicatio	Silver at 2005.	V charteness et al. ex 10	and the Company of the same of	of the State State		
REL/	ATED CASES:	ist any rela	ted actions. For	Matrimonial acti	ons, incli	ide any related	l criminal and	Vor Family	/ Court cas	es,
Case		ndex/Cas		d, complete and Court	auacn un					
CdSe	1816	HUENICAS	e iao.	COUIL		Judge (if as	Signed)	Kelation	smp to m	stant Case
ļ										
	*							•	•	

1 200 mas	en var hengi hikka himosoppani paga a salaman ha da sa	gynggrangstyd i secent	restation from the artists of the	rano posten il ono	agangan dawar da	e ja sang pada sahiri dawar s	i Sistemializates	fore		The state of the s
PAR	TIES: If additional spac	e is require	d, complete and	attach the RJI A	ddendu	n.				
Strate (Str	For parties Withou	ut an attorn		ep pox AND ent	er party	address, phone	number and	re-mail ac	oress in "/	morneys" space:
Un-	Parties:		Attorneys:						- Issue	
1 :	List parties in caption order a indicate party role(s) (e.g. de		Provide name,	firm name, busin	ess addr	ess, phone nur	nber and e-r	nail	Joined	Insurance Carrier(s):
700	3rd-party plaintiff).	sienaan,	address of all a	ttorneys that hav	e appea	ed in the case.	•		(Y/N):	
	*? - See Addendum					· · · · · · · · · · · · · · · · · · ·		· · · · · · · · · · · · · · · · · · ·		
	Last Name			Last Name			First Name			
			Steven J. Baum, P.	<u>.</u>					YES	
	First Name			-	Firm Na	HDG				
	Primary Rote:		220 Northpointe P	arkway Suite G	,	Amherst	MY	14228		
	Plaintiff		Stroat	Address		City	State	Zip	ONO	
	Secondary Role (if any	·);	716-204-2400	716-204-4	1600				O	
			Phone		Fax		e-mail		<u> </u>	
	WISHMAN, JR.		SNYDER, ESQ.	1 mak blaman		EDWARD				
	Last Name JOHN			Last Name			First Name		YES	
ļ ,, l	First Name				Firm Na	(The				
	Primary Role:		3976 SENECA STRI	FT		WEST SENECA	NY	14224		
	Defendant		3	Address		City	State	Zip	0,10	
	Secondary Role (If any	r) :	7116-675-106						ОиО	
<u></u>			Phone		Fax		e-mail			<u> </u>
	WISHMAN		SNYDER, ESQ.			EDWARD.				
	Last Name			Last Name			First Name	•	YES	
	MARY				-					
	First Name Primary Role:		2076 SENEGA STO	·cr	Firm Na		ATV.	F + 222 ·		}
'	Defendant		3976 SENECA STRE	ET Address	3	WEST SENECA City	NY State	14224 Zip		
	Secondary Role (if any	·}:	7116-675-106	, 1-41 VOO		uity.	CERC	4112	ONO.	
			Phone		Fax		e-mail			
	FIRST NIAGARA BANK NA		HELLER, ESQ.			FRANKLIN				
	Last Name			Last Name			First Name	:	YES	
			DAMON MOREY L	P					163	
	First Name		1		Firm Na	me				
	Primary Role: Defendant		*2 - See Addendur		1	BUFFALO	NA	14202		
	Detendant Secondary Role (if any	d-	1	Address		City	State	Zip	ONO	
	describery note (it dity		716-856-5500		*	-	H			
LAFF	[(f)	TV 05 55	Phone	TO MY 1/1/21	Fax	pr Amelina m	e-mail		L	CDE ADE AND
	IRM UNDER THE PENAL									
	E BEEN NO RELATED AC			NGS, NOR HAS	S A REC	JUEST FOR	JUDICIAL	MIERVE	EMITON P	KEVIOUSLY BEEN
FILE	O IN THIS ACTION OR PE	くひしたたりげ	NO.						•	
	.	. 1			١.	Man.	. ~ ~ ~	1100	10	بالمممان
	Dated: 10 5	<u> </u>				1100	$\bigcap X$	***************************************	1.45	TUNUL
							S	IGNATU!	RE	
47	60260				Me	lissa M. Bur	ıdt, Esa.			
	ATTORNEY RE	CISTRAT	ION NIIMPED	 ·				OD TYP	C NIAME	·

12-12020-mg Doc 9713-5 Filed 03/03/16 Entered 03/03/16 16:12:43 Exhibit D Pg 20 of 32

Request for Judicial Intervention Addendum

UCS-840A (3/2011)

COL	INTYcourt	, COUNTY OF E	RIE		Index I	No: 12	011603	629
For t	se when additional space is r	eeded to provid	e party or related	l case info				
PAR	TIES: For parties without an attorn	iey, check "Un-Rep"	box AND enter party a	ddress, phon	e number and	e-mail a	ddress in "/	Attorneys" space.
Un- Rep	Parties: List parties in caption order and indicate party role(s) (e.g. defendant; 3rd-party plaintiff).		name, business addr neys that have appear			nail	Issue Joined (Y/N):	Insurance Carrier(s);
	₹3 - See Addendum Last Name		Last Name	· ·	First Name		OYES	
\checkmark	First Name Primary Role: Defendant Secondary Role (If any):	99 WASHINGTON AVE. Street Add		ne LBANY City	NY State e-mail	17231 Zip	• Мо	
	*4 - See Addendum Last Name First Name	GRUEN LAW OFFICES OF CHAR	Last Name	CHARLE!			OYES	
LJ	Primary Role: Defendant Secondary Role (if any):	381 BROADWAY SUITE Street Add Phone		VESTWOOD City	N/ State e-mail	07675 Zip	ONO	
	Last Name		Last Name		First Name		OYES	
	First Name Primary Role: Secondary Role (if any):	Street Add	Firm Na reas Fax	City	State e-mail	Zip	ONO	
	Last Name	riote	Last Name		First Name		OYES	
	First Name Primary Role:	Street Add	Firm Na ress	City	State	Zip	ONO	
· wan	Secondary Role (if any);	Phone	Fax	······································	e-mail			
	Last Name		Lost Name Firm Na	me	First Name		OYES	
L	Primary Role: Secondary Role (If any):	Street Add Phone	ress Fax	City	Stale e-mail	Zip	ONO	
	Last Nome		Last Name		First Name		OYES	
	First Nome Primary Role: Secondary Role (if any):	Street Add	Firm Na ress	City	State	Zip	ONO	
RECEN		Phone	Fax	eg og avertik er	e-mail	alin kajilin	1	
REL:		The second secon	Irimonial actions, inclu			/orFami	ly Court ca	ses:
Case	Title Index/Cas	se No. C	ourt	Judge (if a	assigned) F	Relation	aship to Ir	istant Case
			*					
i i						,		

12-12020-mg	Doc 9713-5	Filed 03/03/16	Entered 03/03/2	16 16:12:43	Exhibit D
J		Pg 21 of	32		

UCS-840F 3/2011

FORECLOSURE Request for Judicial Intervention Addendum

COUNTY	COURT, COUNTY OF ERIE	31		INDEX NO. 12011	12011603629	
For use in ALL mortgage foreclosure actions where the property is: (check if applicable)	ons where the pro	perty is: (check if ap	plicable)	Instructions		
(6) 1. A one- to four-family owner-occupied residential property, or	cupied residential	property, or		If # 1 or # 2 is applicable:		
 2. An owner-occupied condominium. 	um.		_	· Select "Residential Mort	Select "Residential Mortgage Foreclosure Settlement	
Type of mortgage loan: (check one)	subprime/high-co	ost/non-traditional [RPAPL § 1304(5)]	PAPL § 1304(5)]	Conference" as the Nati	Conference" as the Nature of Judicial Intervention on the RJI.	
•	prime/traditional/conventional	conventional		The Defendant/Respond Defendant/Respond	The Defendant/Respondent Information section below MUST	
0	open end credit p	plan (RPAPL § 1304(5)]		va completed tot all del	מוסמונט מונס מומסוופס וכן נוופ ביטו	
DEFENDANT/RESPONDENT INFORMATION: List parties in caption order. WISHMAN, JR.	ON: List parties in c	aption order. Attach	Attach additional forms as necessary.	ecessary, 716-646-3130		
1. Last Name:	First Name:		Primary Phone:		Secondary Phone:	
6425 ENGEL DRIVE		HAMBURG	λķ	14075		
Address: (Street Address)	Particular residence and particular section of the	(Clty)	(State)	(Zp)	November 14, 2010	_
Comments:				90-day Notice [RPAPL § 1304(1)] mailed on:		
WISHMAN	MARY	****			•	
2. Last Name:	First Name:		Primary Phone:	S	Secondary Phone:	
6425 ENGEL DRWE		HAMBURG	NY	14075		
Address: (Street Address)		(C)(V)	(Slate)	(Zip) 6-fmail;	November 14, 2010	_
Comments:				90-day Notice [RPAPL § 1304(1)] mailed on:	3	
FIRST NIAGARA BANK NA						
3. Last Name: 100 RIVER ROAD	First Name:	NORTH TONAWAMDA	Primary Phone:	14120	Secondary Phone:	
Addross				e-mail:		
(Street Address)	and the second s	(City)	(State)	(d <u>[Z])</u>	Adiababassi titas sociogos provene veren veren con constante de la calenda de la calenda de la calenda de la c	
Comments:	the state of the s		With the second	90-day Notice [RPAPL § 1304(1)] mailed on:	[]] mailed on:	
				1	i .	
4. Last Name:	First Name:	AI BANY	Primary Phone:	\$5231	Secondary Phone:	
de vendrings of vendrings of the Address:		NCGTV	**			
(Street Address)		(AiO)	(State)	(d <u>r</u> Z)		
Comments:		e de la companya de l	The second secon	90-day Notice [RPAPL § 1304(1)] mailed on:_	i)] mailed on:	
*4 - See Addendum						
5. Last Name: "5 - See Addendum	First Name:	NEW YORK	Primary Phone: NY	10011	Secondary Phone:	
Address:			And the second s	e-mail:	CONTRACT TO STATE OF THE PROPERTY OF THE PROPE	
(Street Address)		(A)(D)	(Slate)	(djZ)		
Comments:				90-day Notice [RPAPL § 1304(1)] mailed on:_	i)] mailed on:	

ATTENTION: Proof of service must be filed with this RJI for each defendant upon whom a summons and complaint or summons with notice has been served. [CPLR § 3408]

Iudicial Intervention Addendum	AGE, INC.
Request for Judicial Inter	WELLS FARGO BANK, N.A. SUCCESSOR BY MERGER TO WELLS FARGO HOME MORTGAGE, INC.

THE AVANT BUILDING SUITE 1200, 200 DELAWARE AVENUE	
GMAC MORTGAGE CORPORATION DBA DITECH,COM	
LYON FINANCIAL SERVICES, INC. D/B/A US BANCORP MANIFEST FUNDING SERVICES	PALACIES AND REPRESENTATIONS OF THE PROPERTY O
111 EIGHTH AVE C/O CT CORPORATION SYSTEM	
	· .

1.2-12020-mg Doc 9713-5 Filed 03/03/16 Entered 03/03/16 16:12:43 Exhibit D Pg 23 of 32

REQUEST F	OR JUDICIAL INTERV	ENTION [For Court Clerk Use Or	nly:
	UCS-840 (3/2011)	ļ	IAS Entry Date	
COUNTY	COURT, COUNTY OF ERIE			
Index No: <u>12011603629</u>	Date Index Issued: July	18, 2011	Judge Assigned	
Enter the com	plete case caplion. Do not use et al or et ano.	If more space is	RJI Date	
required attac	h a caption rider sheet: Y MERGER TO WELLS FARGO HOME MORTGAGE, INC.	and the facilities of the first		······
AACTED ENVIOLO BUING WING SOCCESSON B		S / ROCEEDINGS		
	- 850 Ta 513 T			
	[VV]			
	3.1 1		•	
		j jigaya 😭		
		Plaintiff(s)/Pétitioner(s)		No.
-against- JOHN H. WISHMAN, JR., MARY FRANCES	WISHMAN, FIRST NIAGARA BANK NA, GMAC MORTGAGE (CORPORATION DEA DITECH.COM	, LYON FINANCIAL SERVICES, INC. D/B/A US BANC	CORP MANIFEST
FUNDING SERVICES, JOHN DOE (SAID NA ANY PARTIES, CORPORATIONS OR ENTIT	AME BEING FICTITIOUS, IT BEING THE INTENTION OF PLAIN TES, IF ANY, HAVING OR CLAIMING AN INTEREST OR LIEN L	ITIFF TO DESIGNATE ANY AND AT IPON THE MORTGAGED PREMISE	.l occupants of premises being foreclosed s i	HEREIN, AND
The state of the s	INDIA PROPERTY OF COMMISSION OF CHEER C	FOR THE MORT GAGED FREMISE	54	
				•
			Defendant(s)/R	lespondent(s)
NATURE OF ACTION OR	PROCEEDING: Check ONE box	only and specify where inc	licated.	
MATRIMONIAL Contested		COMMERCIAL	iding corporations, partnerships, LLCs, e	-t- \
O Uncontested		O Contract	iding corporations, partnerships, ECOS, (etc.)
=	actions where the parties have children under	1 =	urer is a party, except arbitration)	*
the age of 18, complete and	attach the MATRIMONIAL RJI Addendum.		, negotiable instruments)	
TORTS		Other Commercial:_	(specify)	
O Asbestos O Breast Implant	•	torr recons	• • • • • • • • • • • • • • • • • • • •	WORD a
C) Environmental:			rcial Division assignment requests [22 N and attach the COMMERCIAL DIV RJI	
A THIS LAND AND A PROPERTY OF PROPERTY OF THE	(specify)		low many properties does the application inclu	
Medical, Dental, or Podiatric	Malpractice	O Condemnation		
Motor Vehicle		Foreclosure	CEL DIDLE - Dankur - Vicini	N. J. 1407F
Products Liability:	(specify)	Property Address: 6425 EN	GEL DRIVE Hamburg New 1 Address City State	
Other Negligence:		NOTE: For Foreclos	ure actions involving a one- to four-famil	ly, owner-
	(specify)	1	property, or an owner-occupied condon	ninium,
Other Professional Malpractic	ce: (specify)	4	the FORECLOSURE RJI Addendum.	
O Other Tort:	• •	O Other Real Property:	on: Block: Lo	ot:
	(specify)	outer roads roporti.	(specify)	***************************************
OTHER MATTERS		SPECIAL PRÒCEEDI		
1 -	issolution [see NOTE under Commercial]		tration) [see NOTE under Commercia	al]
Emergency Medical Treatme Habeas Corpus	nt	CPLR Article 78 (Boo	ly or Officer)	
O Local Court Appeal		O Election Law O MHL Article 9.60 (Ke	odraje i smrl	
O Mechanic's Lien		MHL Article 10 (Sex C		
O Name Change		1 = '	Iffender Confinement-Review)	
O Pistol Permit Revocation Hea		MHL Article 81 (Guar		
Sale or Finance of Religious/		Other Mental Hygien	e: (specify)	
Olher:	(spacify)	Other Special Proces		
	The state of the s	Office Operat Frees	(specify)	****
STATUS OF ACTION OR	PROCEEDING: Answer YES or	NO for EVERY question A	ND enter additional information where in	idicated.
	YES	NO		
Has a summons and complaint o	r summons w/notice been filed?	O If yes, date filed:	July 18, 2011	

Is this action/proceeding being filed post-judgment?

If yes, judgment date: ____

12-12020-mg Doc 9713-5 Filed 03/03/16 Entered 03/03/16 16:12:43 Exhibit D Pg 24 of 32

NAT	URE OF JUDICIAL IN	TERVENT	ION:	Check ONE bo	x only AN	ID enter additio	nal informat	ion where	indicated.	
0	Infant's Compromise							· · · · · · · · · · · · · · · · · · ·	 	· · · · · · · · · · · · · · · · · · ·
0	Note of Issue and/or Certification	icate of Read	diness							
0	Notice of Medical, Dental,	or Podiatric I	Malpractice	Date Issue Joir	ned:					
0	Notice of Motion		Relief Sought:				Return Da	ate:		
0	Notice of Petition		Relief Sought:				Return Da	ate:		
0	Order to Show Cause		Relief Sought:		***************************************		Return Da	ıte:	·····	
Õ	Other Ex Parte Application		Relief Squaht:				1100011101		***************************************	
Ŏ	Poor Person Application					***************************************				
ŏ	Request for Preliminary Co	onference								
(<u>6</u>)	Residential Mortgage Fore		ement Conferen	ce						
Ō	Writ of Habeas Corpus									
	Other (specify):									
Carry State	Wanangalak bersalah kelalah salah s	il ist any rela	ted actions En	r Matrimonial act	ione indi	ida anii edalaa	ALLIE SAL	dias Carail	Calle fac	
REL	ATED CASES:	If additional	space is require	d; complete and	attach th	e R.II Addendi	un If none	deave bla	y Court cas nic	965.
Case	Title	Index/Cas		Court		Judge (if as				ıstant Case
						THE PARTY OF PERSONS ASSESSED.			THE PERSON NAMED IN	iotain odoc
\vdash	,									
								•		
 								· · · · · ·		
	i Graddilonal sna	re le regulire	d complete and	attach the RJI	Addinatio	ul 7 torikaisistasi	Centert das	Different (F.13)	-25473.4 V	- Corres to relating a firmal relation of the Correct to the Corre
PAR	TIES: For parties with	out an attorn	ev check:"Un-R	ep" box AND en	ter party:	address phone	nomber an	demail a	dress in "A	Attorneys" space:
<u> </u>	Parties:		Attorneys:		201 20113	sourcest provid	Hombot. 433	a o man an	January 1	inomoya japace.
Un-	List parties in caption order	and .							- Issue	
	indicate party role(s) (e.g. c		Provide name,	firm name, busir Ittorneys that hav	iess addr	ess, phone nun	nber and e-	nail	Joined (Y/N):	Insurance Carrier(s):
	3rd-party plaintiff).		addiess of an e	Morneys mat na	ve appear	eu in uie case.			(1714).	
	*1 - See Addendum									
	Last Name			Last Name			First Name	•	OYES	
	Mr 34		Steven J. Baum, P.	Ċ.					3	
	First Name Primary Role:		220 N 1 0		Firm Na					
	Plaintiff		220 Northpointe P	arkway Suite G Address	· ·	Amherst City	NY State	14228 Žip	_	
	Secondary Role (if an	ıy):	716-204-2400	716-204-	4600	City	State	zip	Оио	
			Plione	7 10-204-	Fax		e-mail			
	WISHMAN, JR		SNYDER, ESQ.			EDWARD J				
	Last Name			Last Name			First Name	1	YES	
	JOHN						•		9	
	First Name Primary Role:				Firm Na					
	Defendant		3976 SENECA STRE	:tT Address	,	WEST SENECA	NY	14224		
	Secondary Role (if an	y):	7116-675-106	Address		City	State	Zip	ONO	
	,		Phone		Fax		e-mail			
	WISHMAN		SNYDER, ESQ.	**************************************		EDWARD I				
	Last Name			Last Name		>	First Name	1	(®) YES	
	MARY		1						@/ IC3	
	First Name Primary Role:				Firm Na				1	
ļi	Defendant		3976 SENECA STRE		ţ	WEST SENECA	NY	14224	_	
	Secondary Role (if an	y):	7116-675-106	Address		City	State	Zip	Оио	
			7110-073-100 Phone		Fax		e-mail			
	FIRST NIAGARA BANK NA		HELLER, ESQ.			FRANKLIN		·····		
	Last Name			Last Name		* 111 0 41/2/14	First Name	•	(®) YES	
			DAMON MOREY LL	.P					(E2)	
	First Name				Firm Na	me				
	Primary Role: Defendant		*2 - See Addendur		E	UFFALO	NY	14282		
	Secondary Role (if an	vi:		Address		City	State	Zip	ONO	
	trees to all		716-856-5500 Phone		Fax	-	e-mall		1	
LAFE	IRM UNDER THE PENA	TV OF DE		TO MV KNO	 	C OTHER TH		OTED AD	OVE TU	FDF ADF ASID
HAVE	BEEN NO RELATED A	CTIONS O	O DDUCEEUN	, IU MI KNU	WLEDG C A DEC	E, UINEK IF	HENCLAI	DIED AB	OVE, IM	EKE AKE AND
) IN THIS ACTION OR P			voo, NOR DA	o a kel	くいにつ ! アリパ ご	OUNCIAL	114 I EKAE	A MONTRE	VEAIOGOFT REFN
	THE TOTAL OF THE		* ~**							
		=111			\	M 0 0:	NN	1100	ILA	Y and
	Dated: 1019	<u> </u>			\sim	1100	سلاب	1 4 1	1, 1	<u>JUNVI</u>
								IGNATUI	RE	
47	60260		·····		Me	issa M. Bun				
	ATTORNEY RE	CISTRAY	ON MUMPED				DDINT	OD TVD	TAIABAE	

12-12020-mg Doc 9713-5 Filed 03/03/16 Entered 03/03/16 16:12:43 Exhibit D Pg 25 of 32

Request for Judicial Intervention Addendum

UCS-840A (3/2011)

COL	JNTYcourt,	COUNTY OF ERIE		Index	: No: <u>12</u>	011603	629
For	ise when additional space is n	eeded to provide party or	related case info				
PAR	TIES: For parties without an attorn	ey, check "Un-Rep" box AND ente	r party address, phon	e number an	d e mail a	ddress in "/	Attomeys" space:
Un-	Parties: List parties in caption order and indicate party role(s) (e.g. defendant; 3rd-party plaintiff).	Provide name, firm name, busine address of all altorneys that have	ess address, phone nu	ımber and e-		Issue Joined (Y/N):	Insurance Carrier(s):
	*3 - See Addendum Last Name	Łast Name _		First Nam	e	OYES	
V	First Name Primary Role: Defendant Secondary Role (if any):	99 WASHINGTON AVE. Street Address Phone	Firm Name ALBANY City	NY State e-mail	12231 Zip	@no	
	*4 - See Addendum Last Name First Name Primary Role: Defendant Secondary Role (if any):	GRUEN Last Name LAW OFFICES OF CHARLES A. GRUEN 381 BROADWAY SUITE 300 Street Address	CHARLES Firm Name WESTWOOD City		e 97675 Zip	●YES ○NO	
	Last Name	Ptione Last Name	Fax	e-mait First Nam	e	Oyes	
	First Name Primary Role: Secondary Role (if any):	Street Address	Firm Name City Fax	State e-inaît	Z!p	Оно	
	Last Name	Last Name		First Nam	e	OYES	
	First Name Primary Role: Secondary Role (if any):	Street Address	Firm Name City Fax	State e-mail	Zip	Ono	
	, Last Name	Lost Nante		First Nam	0	OYES	
	First Name Primary Rofe: Secondary Role (If any):	Street Address Phone	Firm Name City Fax	State e-mail	Zip	Ono	
	Last Name	Last Name		First Nam	2	OYES	
	First Name Primary Role: Secondary Role (if any):	Street Address	Firm Name City	State	Zîp	Ono	
REL/ Case	and the second of the second o	led actions. For Matrimonial actions No. Court	rs, include any related Judge (if a		er bis er er	7 70 70 7 2 7	l ses. stant Case

To the control of the policy of the control of the policy	COUNTY	FORECI	FORECLOSURE Rec		licial Interver	ntion Addendu INDEX NO.	um 3/2011 , 12011603629	
Conference" as the Nature of Judicial Intervention on the RJI.	.L mortgage foonerfa	oreclosure action mily owner-occu	ns where the pro upied residential m.		plicable)	Instructions If # 1 or # 2 is appl Select "Residen	icable: ital Mortgage Foreclosure Settlement	12-120
Attach additional forms as necessary. Primary Phone: 14075 Primary Phone: 15075 Prim	tgage Ioan: (ch	000	subprime/high-co orime/traditional/ open end credit p	st/non-traditional [RF conventional Ian [RPAPL§ 1304(5)]	APL § 1304(5)]	Conference" as The Defendant/ be completed fo	the Nature of Judicial Intervention on the RJI. Respondent Information section below MUST r all defendants and attached to the RJI.	20-mg I
Print Name Pri	L/RESPONDEN WISHMAN, JR.	T INFORMATION	N: List parties in c	1	dditional forms as r	necessary. 716-646-3130		Ooc 9
Sition Actionsos Sition Action Action Action Action Action Action Actionsos Sition Action	5426 ENGEL DRIVE	***************************************	First Name:	HAMBURG	Primary Phone:	14075	Secondary Phone:	713-
Wilsi-MAN Wils	e de la contraction de la cont	(Street Address)		(City)	(State)	(Zp)	1	5 Fi
First Name Fir			1					led (
Street Address (City) (State) (City)	425 ENGEL DRIVE		First Name:	НАМВИЯС	Primary Phone:	14075	Secondary Phone:)3/03 Pg 2
14120 1412	The state of the s	(Street Address)	\$	(City)	(State)	(Zp)	3	8/16 26 of
First Name: NOSTH TONAWANDA NY 14120 Secondary Phone: 14120 Secon	•	ANK NA		entrichtebalde, das dels de de des des des des des des des des		90-day Notice [RPAP]	.§ 1304(1)] mailed on:	En 32
(Street Address) (Street Address) (City) (State) (City)	00 RIVER ROAD	ودياج إسرامه سدسه سسسه مساهم والمراس والمدار والجوارية	First Name:	NORTH TONAWANDA	Primary Phone:	14120	Secondary Phone:	ntered
"3 - See Addendum First Name: ALBANY Primary Phone: Secondary Phone: Secondary Phone: *4 - See Addendum (Street Addenss) (City) (State) (State) Primary Phone: Secondary Phone: *5 - See Addendum First Name: NY Primary Phone: Secondary Phone: Primary Phone: *5 - See Addendum First Name: NY Strings **Orday Notice [RPAPL § 1304(1]] mailed on: **(Street Addenss) (City) (States) **(Zip) **(Street Addenss) (City) (States) **(Zip)	Made to continue to the contin	(Street Address)		(AiO)	(State)	(2p) (2p) (2p) (2p) (2p)	e-mail: s 1984/11 mailed on:	03/0
WASHINGTON AVE. ALBANY NY 12231 e-mail: (Street Address) (City) (State) (Zip) e-mail: '4 - See Addendum First Name: Primary Phone: Secondary Phone: - See Addendum First Name: NY State) (Zip) (Street Address) (Zity) (State) (Zip) (Street Address) (Zip) (Zip)	•	Township designed to the state of the state	First Name		Drimary Phone	. C 11] source (source	Sarondan/Bhas.	3/16
(Strest Address) (City) (Strate) (Zp) (Zp) *4 - See Addendum First Name: Primary Phone: Secondary Phone: Secondary Phone: . See Addendum (Street Address) (City) (State) (Zp) (Street Address) (City) (State) (Zp)	9 WASHINGTON AVE	• H		ALBANY	NÝ.	12231		16:1
*4 - See Addendum First Name: NEW YORK NY (City) (State) (Sta		(Street Address)		(City)	(State)	(Zp) 90-day Notice [RPAP)	§ 1304(1)] mailed on:	.2:43
(Street Address) (City) (State) (Zip) (Zip) 90-day Notice [RPAPL § 1304(1)] mailed on:	1.1		First Name:	NFW YORK	Primary Phone:	1001	Secondary Phone:	Exh
90-day Notice [RPAPL § 1304(1)] mailed on:		(Street Address)		(City)	(State)		e-mail:	ibit E
	AND THE PROPERTY OF THE PROPER	100000000000000000000000000000000000000				90-day Notice [RPAPI.	§ 1304(1)] mailed on:)

ATTENTION: Proof of service must be filed with this RJI for each defendant upon whom a summons and complaint or summons with notice has been served. [CPLR § 3408]

Request for Judicial Intervention Addendum WELLS FARGO HOME MORTGAGE, INC.	
THE AVANT BUILDING SUITE 1200, 200 DELAWARE AVENUE	
GMAC MORTGAGE CORPORATION DBA DITECH.COM	
LYON FINANCIAL SERVICES, INC. D/8/A US BANCORP MANIFEST FUNDING SERVICES	
111 EIGHTH AVE C/O CT CORPORATION SYSTEM	
	٠.
	The state of the s

12-12020-mg Doc 9713-5 Filed 03/03/16 Entered 03/03/16 16:12:43 Exhibit D Pg 28 of 32

REQUEST F	For Court Clerk Use Only:					
	UCS-840 (3/2011)			IAS Entry Date		
COUNTY ·	COURT, COUNTY OF ERIE					
Index No: 12011603629	Date Index Issued: July	18, 2011		Judge Assigned		
	plete case capilon. Do not use et al or et ano	If more space is		KJI Date		
WELLS FARGO BANK, N.A. SUCCESSOR B	h a caption rider sheet. Y MERGER TO WELLS FARGO HOME MORTGAGE, INC.	Charles and States and States and States				
		SI s a sim ana				
	ACH	FILE() Onservoceomos				
·	0	CF 18 2011	•			
-against-		Plaintiff(s)/Petitioner(s)	NAS-AND TO A PROPERTY OF THE P			
ANY PARTIES, CORPORATIONS OR ENTIT	AME BEING FICTITIOUS, IT BEING THE INTENTION ÒF PLÂIN IES, IF ANY, HAVING OR CLAIMING AN INTEREST OR LIEN L	ITER TO DESIGNATE ANY AND AL	LOCCUPANTS OF FREA	MISES BEING FORECLOSED HEREIN, AND		
				Defendant(s)/Respondent(s)		
	PROCEEDING: Check ONE box	only and specify where inc	icated.			
MATRIMONIAL		COMMERCIAL		The state of the s		
Contested		Business Entity (inclu	ding corporations,	partnerships, LLCs, etc.)		
O Uncontested		○ Contract				
,	actions where the parties have children under	O Insurance (where ins		*		
	attach the MATRIMONIAL RJI Addendum.	O UCC (including sales	negotiable instrun	nents)		
TORTS		Other Commercial:				
O Asbestos				(specify)		
Breast Implant Environmental:				nment requests [22 NYCRR § DMMERCIAL DIV RJI Addendum.		
	(specify)			does the application include?		
Medical, Dental, or Podiatric	Malpractice	O Condemnation		· · · · · · · · · · · · · · · · · · ·		
Motor Vehicle		Foreclosure				
O Products Liability:		Property Address: 6425 EN	SEL DRIVE 1	lamburg Hew York 14075		
Other Negligence:	(specify)	Street /		City State Zip ig a one- to four-family, owner-		
	(specify)	-1		mer-occupied condominium,		
Other Professional Malpracti	ce:	complete and attach	the FORECLOSU	RE RJI Addendum.		
	(specify)	4 '		lock: Lot:		
Other Tort:		Other Real Property:				
	(specify)			(specify)		
OTHER MATTERS		SPECIAL PROCEEDII				
1 _	issolution [see NOTE under Commercial]	O CPLR Article 75 (Arb		TE under Commercial)		
C Emergency Medical Treatme	nl	O CPLR Article 78 (Bod	y or Officer)			
O Habeas Corpus		O Election Law				
O Local Court Appeal		MHL Article 9.60 (Kei	•			
O Mechanic's Lien		MHL Article 10 (Sex C		-		
Name Change		MHL Article 10 (Sex C		Review)		
Pistol Permit Revocation Hea		MHL Article 81 (Guar				
Sale or Finance of Religious/	· ·	Other Mental Hygiene	: <u> </u>	(specify)		
O Other:	(specify)		dt	folicouth		
***************************************	· · · · · · · · · · · · · · · · · · ·	Other Special Proces	omg:	(specify)		
STATUS OF ACTION OR	PROCEEDING: Answer YES or		ID enter additional			
Has a summons and complaint of	YES or summons w/notice been filed?	NO If yes, date filed:	inly 18, 2011			
Is this action/proceeding being fil	9	If yes, date filed: If yes, iudament d				

12-12020-mg Doc 9713-5 Filed 03/03/16 Entered 03/03/16 16:12:43 Exhibit D Pg 29 of 32

NATI	JRE OF JUDICIAL INT	TERVENT	ION:	Check ONE box only AND enter additional information where indicated.							
	Infant's Compromise					······				· · · · · · · · · · · · · · · · · · ·	
0	Note of Issue and/or Certific	cate of Read	iness								
_	Notice of Medical, Dental, o			Date Issue Joined:							
O	Notice of Motion		Relief Sought:				Return Da	ıle:			
Ō	Notice of Petition		Relief Sought:				Return Da	ite:			
0	Order to Show Cause		Relief Sought:				Return Da	ale:			
Ó	Other Ex Parte Application										
0	Poor Person Application										
_	Request for Preliminary Cor	nference									
(1)	Residential Mortgage Forec	closure Settle	ement Conferen	ce							
Ö	Writ of Habeas Corpus										
0	Other (specify):										
RELA										es	
Case	Title	Index/Cas	e No.	Court		Judge (if as:	signed)	Relation	ship to In	stant Case	
wa imwino.					***********						
										-	
					•						
								L			
L		·									
PAR	TIES: If additional space	ce is require	d, complete and	allach the RJI A	ddendu	n . 222-3494		Kirili.			
25.35	For parties witho	out an attorn	ey, check "Un-R	ep" box AND ent	er party	address, phone	number an	d e-mail ac	Idress in "A	ittorneys" space.	
	Parties:		Attorneys:						Issue		
	List parties in caption order							mail	Joined	Insurance Carrier(s):	
reb	indicate party role(s) (e.g. d 3rd-party plaintiff).	elendant;							(Y/N):	- 1	
		****							†		
	*1 - See Addendum Last Name			Last Name			First Nam	9	0		
			Steven J. Baum, P.	c.					YES		
	First Name				Firm No	ome					
Ш	Primary Role:		t .				NY	14228			
	Plaintiff Secondary Role (if an	u):	i			City	State	Zip	ONO		
	and the same to do	,,·	716-204-2400	716-204-			a_mali				
<u> </u>	WISHMAN, JR.				гах	FUMBER			}		
	VVISHWIAN, JR. Last Name		المام والمام	Last Name		LUMMIU.		2	(A)		
	MHOL		i I				*		YES		
	First Name		<u> </u>		Firm Na	ame					
	Primary Role:		1		•		ΝY	14224			
	Defendant Secondary Role (if an	vi:	1	Address		City	State	Zip	ONO		
	g ========= for min	**	1		Par		licm.q		1		
	WISHMAN								1		
	Last Name		Easy Feleted actions. For Matimonial actions, include any Felated criminal and/or Family. Court cases. Ideal Case No. Court Judge (if assigned) Relationship to Instant Case								
	MARY								(E)		
	First Name		· ·								
	Primary Role: Defendant		1		1						
	Secondary Role (if an	y):	i	Address		City	State	Zíp	ONO		
	· · · · · · · · · · · · · · · · · · ·		1		Fax		e-mail				
	FIRST NIAGARA BANK NA					FRANKI IN		·····	1.		
	Last Name		The state of the s	Last Name		. 701 11 11 11 11 11		e	(a) VEC		
_			DAMON MOREY L	LP					153		
	First Name										
 	Primary Role: Defendant				i						
	Secondary Role (if an	1	Address		City State Zip			ONO			
	,		t	p Fay o.mail							
1 AFF	IRM LINDER THE DENAI	I TY OF PE	 	TO MY KNO		F OTHER TI		OTED AF	OVE TH	FRE ARE AND	
	O IN THIS ACTION OR P									The state of the s	
	The second secon								, ~		
	n 1016	=111				Meli		ium	1 CP	YIMH	
	Dated: 1016	<u> </u>		*****					DE '	7-4 1 CC	
A-4	60260				7. A	linna M. D		NOIYA I UI	N.L.		
4/	60260	FOICTDAT	ION NIIMBER								

12-12020-mg Doc 9713-5 Filed 03/03/16 Entered 03/03/16 16:12:43 Exhibit D Pg 30 of 32

Request for Judicial Intervention Addendum

UCS-840A (3/2011)

COL	JNIY ·COURT,	Index No: 12011603629							
For u	se when additional space is n	eeded to provide party or	related case inforn	nation.					
PART	FIES: For parties without an attorn	ey, check "Un-Rep" box AND ente	r party address, phone r	number and	e mail a	ddress in "A	Attorneys" space.		
	Parties:	Attorneys:	and to an a second seco	<u> </u>		T	1		
	List parties in caption order and indicate party role(s) (e.g. defendant; 3rd-party plaintiff).	Provide name, firm name, busine address of all attorneys that have	ail	Issue Joined (Y/N):	Insurance Carrier(s):				
	⁴ 3 – See Addendum Last Name	Last Name	**************************************	First Name		OYES			
V	First Name Primary Role: Defendant Secondary Role (if any):	99 WASHINGTON AVE. Street Address Phone	Firm Name ALBANY City Fax	NY State e-mail	12231 Zìp	© NO			
,	*4 - See Addendum Last Name First Name	GRUEN Last Name LAW OFFICES OF CHARLES A., GRUEN	CHARLES A.	First Namo		YES			
	Primary Role: Defendant Secondary Role (if any):	381 BROADWAY SUITE 300 Street Address	WESTWOOD City	N! State e-mail	07675 Zip	Оио			
	Lost Name	1.ast Name		First Name		Oyes			
	First Name Primary Role:		Firm Name						
Secondary Role (if any):		Street Address	€ity	State	Zip	Ono			
		Phone	Fax	e-mail					
,,	Last Name	Last Name	Phys. Mar.	First Name		OYES			
	First Name Primary Role:	Street Address	Firm Name City	State	Zip				
	Secondary Role (If any):	Phone	Fax	e-mali)NO			
	Last Name	Last Name		First Name		OYES			
	First Name Primary Role:		Firm Name						
	Secondary Role (if any):	Street Address Phone	City	State e-mail	Zip	Ono			
	Last Name	Last Name		First Name		OYES			
	First Name Primary Role:		Firm Name						
	Secondary Role (if any):	Street Address	City	State	Zip	ONO			
		Phone	Fax	e-mall					
RELATED CASES: List any related asset Title Index/Case		led actions. For Matrimonial actions e No. Court	ns, include any related of Judge (if ass						
	Index ods	- Vouit	100000 (11 000	2					
			remaind or repair the second of the second o		-		. •		
					e-mail Joined (Y/N): Insurance Carrier(s): (Y/N): (Y/N)				

ઌ૽

ьó

Comments:

ςį

UCS-840F 3/2011

INDEX NO. 12011603629

FORECLOSURE Request for Judicial Intervention Addendum

For use in ALL mortgage foreclosure actions where the property is: (

 \odot

COURT, COUNTY OF ERIE

COUNTY

ATTENTION: Proof of service must be filed with this RJI for each defendant upon whom a summons and complaint or summons with notice has been served. [CPLR § 3408]

					٠.				**-Le dassingth. Makeyala		And the second s			The state of the s
				-										
					JOHN ERK PILL	AR PROCE	GLE, JR., SSING LLC				CL			
, in the second		ES			RECD FILE REQU ST Sub.	EST FOR	04S 2011 2:14 9737 BK/ JUDICIAL T \$95 FEE 95.00	INTERVE	NTION	95.00 95.00			and the second s	
	··	FEST FUNDING SERVIC			PA PA Ch REC	ID TOTAL ID CHECK eck #559 BY: Kim TY RECOR	126:		\$	95.00 95.00 95.00	1	RIBERANDELENANTE PROTOTORIO PROTOTORIO PROTOTORIO PROTOTORIO PROTOTORIO PROTOTORIO PROTOTORIO PROTOTORIO PROTO		
THE AVANT BUILDING SUITE 1200, 200 DELAWARE AVENUE	GMAC MORTGAGE CORPORATION DBA DITECH.COM	LYON FINANCIAL SERVICES, INC. D/8/A US BANCORP MANIFEST FUNDING SERVICES	CORPORATION SYSTEM					A second control of the second control of th						
THE AVANT BUILDING SU	GMAC MORTGAGE CORP	LYON FINANCIAL SERVICI	111 EIGHTH AVE C/O CT CORPORATION SYSTEM								THE PROPERTY OF THE PROPERTY O			

Request for Judicial Intervention Addendum

WELLS FARGO BANK, N.A. SUCCESSOR BY MERGER TO WELLS FARGO HOME MORTGAGE, INC.